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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WOZNIAK, JAMES S

ART UNIT PAPER NUMBER

2626

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/017,435

Applicant(s)

PHILLIPS ET AL.

Examiner

James S. Wozniak

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the office action from 12/28/2005, the applicant has submitted a request for continued examination, filed 6/28/2006, amending claim 1, while arguing to traverse the art rejection based on the amended claim limitations (*Amendment, Pages 8-9*). Applicant's arguments have been fully considered, however the previous rejection is maintained due to the reasons listed below in the response to arguments.

### ***Response to Arguments***

2. Applicant's arguments have been fully considered but they are not persuasive for the following reasons:

With respect to amended **claim 1**, the applicant argues that Marx et al (*U.S. Patent: 6,173,266*) does not disclose each and every element and or feature of the applicant's claims (*Amendment, Page 7*). Specifically, the applicant argues that the dialog module templates in Marx are not the same as the "generic dialog assets" of the presently claimed invention because the modules are computer readable instructions and not elements invoked by a dialog application (*Amendment, Page 8*). In response, the examiner notes that in addition to computer readable instructions the dialog modules include specific default (*generic*) parameters that are stored in a configuration library (*Col. 17, Lines 7-19; Col. 18, Lines 30-56; and Col. 20, Lines 42-63*).

These default parameters include default dialog tasks (*script generic dialog assets*), prompt files (*prompt generic dialog assets*), vocabularies (*grammar generic dialog assets*), prerecorded audio prompt files (*audio file generic dialog assets*, Col. 7, Lines 4-9), and prompt pools (*initial and apology prompt pools*, Col. 18, Lines 30-45; and Col. 20, Lines 42-57). These parameters are also utilized by a specific service application in a deployment environment (*Fig. 8*). Thus, it is not the computer readable instructions of the dialog modules that anticipate the aforementioned features of the presently claimed invention, but rather the default dialog module parameters.

The applicant also argues that Marx nowhere teaches or suggests the use of a repository in a deployment environment (*Amendment, Page 9*). In response, the examiner points out that in *Fig. 8*, Marx shows the deployment of a specific voice dialog service (*Element 840*) utilizing the default dialog templates and corresponding configuration libraries (*Element 820*), which include the above noted default (*generic*) parameters. Marx also specifically mentions the execution of the service in Col. 17, Lines 43-54.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (*i.e., the specific description of dialog assets in the last paragraph on page 8 of the amendment*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Thus, for at least the above reasons, claim 1 remains rejected.

The dependent claims are argued as further limiting a rejected independent claim (*Amendment, Page 9*), and thus, also remain rejected.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 3-11, and 16-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Marx et al (*U.S. Patent: 6,173,266*).

With respect to **Claim 1**, Marx discloses:

Utilizing at least one generic software component to develop a specific voice application, wherein the utilizing includes invoking at least one generic dialog asset from a repository (*Col. 3, Lines 28-39; Col. 4, Lines 21-33; and Col. 6, Line 39- Col. 7, Line 3; an original predefined dialogue template used in a specific service, Col. 8, Lines 42-51; and dialogue template libraries, Col. 17, Lines 7-19 and Fig. 8, Elements 810, 820, 830*), the repository (*baseline library, Col. 17, Lines 7-20; and Fig. 8, Element 820*) comprising two or more of:

Script generic dialog assets, prompt generic dialog assets, audio file generic dialog assets, grammar generic dialog assets, and prompt pool generic dialog assets (*Col. 7, Lines 4-9; Col. 17, Lines 7-19; Col. 18, Lines 30-56; and Col. 20, Lines 42-63*);

Deploying the specific voice application in a deployment environment, wherein the deployment includes the repository (*Col. 6, Lines 14-22; Col. 17, Lines 7-34; and Fig. 8*); and

Invoking the at least one generic dialog asset from the repository in the deployment environment (*utilizing a predefined default dialogue in a specific voice application, Col. 6, Lines 53-60; Col. 8, Lines 42-51; and Col. 17, Lines 43-54*).

With respect to **Claim 3**, Marx shows:

The deployment environment further comprises an application server (*computer containing the designed interactive voice application, Fig. 3*).

With respect to **Claim 4**, Marx recites:

The deployment environment further comprises a dialog control component (*Col. 6, Lines 61-64*).

With respect to **Claim 5**, Marx recites:

The deployment environment further comprises a dialog component (*Col. 6, Lines 53-60*).

With respect to **Claim 6**, Marx discloses:

The deployment environment further comprises a voice application services layer (*Col. 6, Lines 23-30*).

With respect to **Claim 7**, Marx discloses:

The deployment environment further comprises a rules integration layer (*Col. 13, Line 59- Col. 14, Line 8*).

With respect to **Claim 8**, Marx discloses:

The deployment environment further comprises a messaging layer (*Col. 20, Lines 33-41*).

With respect to **Claim 9**, Marx discloses:

The deployment environment further comprises a voice services layer (*Col. 6, Lines 23-30*).

With respect to **Claim 10**, Marx discloses:

The deployment environment further comprises a detail tracking layer (*Col. 14, Line 47-Col. 15, Line 5*).

With respect to **Claim 11**, Marx discloses:

The deployment environment further comprises an external system (*Col. 5, Lines 49-67*).

With respect to **Claim 16**, Marx discloses:

Utilizing one or more generic software components to develop a specific voice application further comprises utilizing one or more generic software components during a design phase to develop a specific voice application (*combined dialog modules, Col. 4, Lines 21-33; and Col. 8, Lines 19-51*).

With respect to **Claim 17**, Marx recites:

The design phase further comprises a dialog design phase (*dialog module ordering to create a call flow, Col. 8, Lines 19-51*).

With respect to **Claim 18**, Marx recites:

The design phase further comprises a voice coding phase (*Col. 16, Lines 11-25*).

With respect to **Claim 19**, Marx discloses:

The design phase further comprises a rules definition phase (*Col. 20, Lines 17-32; Col. 13, Lines 59-67*).

With respect to **Claim 20**, Marx recites:

The design phase further comprises a phase wherein custom prompts are generated (*Col. 12, Line 43- Col. 13, Line 10*).

With respect to **Claim 21**, Marx recites:

The design phase further comprises a phase wherein custom grammars are developed (*Col. 17, Lines 35-42; and Col. 18, Line 47- Col. 19, Line 7*).

With respect to **Claim 22**, Marx discloses:

The design phase further comprises a phase wherein standard prompts are utilized to generate the specific voice user interface (*Col. 18, Lines 30-45*).

With respect to **Claim 23**, Marx discloses:

The design phase further comprises a phase wherein standard grammars are used to generate the specific voice user interface (*Col. 18, Lines 47-56*).

With respect to **Claim 24**, Marx discloses:

The design phase further comprises a system test phase (*Col. 14, Lines 9-24*).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2 and 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marx et al in view of Uppaluru (*U.S. Patent: 5,915,001*).



With respect to **Claim 2**, Marx teaches the method for designing an interactive speech application as applied to Claim 1. Marx does not specifically suggest that a deployment environment for the speech application utilizes a voice gateway, however, Uppaluru teaches the use of a voice gateway in an interactive voice response system (*Col. 4, Lines 38-51; and Col. 6, Lines 6-46*).

Marx and Uppaluru are analogous art because they are from a similar field of endeavor in interactive voice response systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Marx with the voice gateway taught by Uppaluru to provide a means of accessing additional Internet data through an interactive voice response system (*Uppaluru, Col. 1, Line 39- Col. 2, Line 19; Col. 4, Line 38- Col. 5, Line 2*).

With respect to **Claim 12**, Marx further discloses a speech recognition engine (*Col. 7, Lines 29-46*). Also, Uppaluru teaches a voice command interpreter (*Col. 6, Lines 24-46*).

With respect to **Claim 13**, Uppaluru further teaches a telephone interface (*Col. 6, Lines 24-30*).

With respect to **Claim 14**, Uppaluru teaches a means for providing prompts to a user (*Col. 6, Lines 24-46*, while Marx teaches that prompts may be generated using a speech synthesizer (*Col. 18, Lines 30-45*).

With respect to **Claim 15**, Uppaluru teaches ASR implemented at a voice gateway (*Col. 16, Line 50- Col. 18, Line 15*).

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Osder et al (*U.S. Patent: 6,058,166*)- teaches a dialog design system featuring static (generic) and dynamic prompt elements that are executed at run-time.

Papineni et al (*U.S. Patent: 6,246,981*)- teaches a dialog manager utilizing script templates.


Yuschik (*U.S. Patent: 6,526,382*)- teaches a dialog design system featuring prompt templates and general syntactical templates.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached at (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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8/17/2006

  
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